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MICROSTRATEGY, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 BUSINESS OBJECTS, S.A.,
17 Plaintiff and Counterdefendant,
18 vs.
19 MICROSTRATEGY, INC.,
20 Defendant and Counterclaimant.
21

Case No. C01-03908 CRB

**DECLARATION OF MATTHEW E.
HOCKER IN SUPPORT DEFENDANT
MICROSTRATEGY, INC.'S CLAIM
CONSTRUCTION BRIEF**

1 I, Matthew E. Hocker, declare as follows:

2 1. I am a lawyer in the law firm of Howrey Simon Arnold & White, LLP counsel for
3 Defendant and Counterclaimant MicroStrategy, Inc. in this action. I submit this declaration in support
4 of Defendant MicroStrategy, Inc.'s Claim Construction Brief. Except where otherwise indicated, I
5 make the statements herein based on my personal knowledge, and I am competent to testify thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 5,555,403
7 issued on September 10, 1996.

8 3. Attached hereto as Exhibit B is a true and correct copy of the parties' Joint Claims
9 Construction and Prehearing Statement dated October 4, 2002.

10 4. Attached hereto as Exhibit C is a true and correct copy of the Expert Report of Walter
11 G. Rudd in Support of Business Objects' Claim Construction dated October 28, 2002.

12 5. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Walter G.
13 Rudd in Support of Business Objects' Claim Construction dated November 14, 2002.

14 6. Attached hereto as Exhibit E is a true and correct copy of excerpts from the deposition
15 of Walter G. Rudd taken on November 12, 2002.

16 7. Attached hereto as Exhibit F is a true and correct copy excerpts from the deposition of
17 Walter G. Rudd taken on August 9, 2001 and April 24, 2002 in the *Cognos* action.

18 8. Attached hereto as Exhibit G is a true and correct copy of excerpts from *SQL: The*
19 *Complete Reference*, James R. Groff and Paul N. Weinberg, McGraw-Hill, 1999.

20 9. Attached hereto as Exhibit H is a true and correct copy of the Amendment dated June
21 26, 1995, filed with the U.S. P.T.O., In Re Application No. 07/800,506.

22 10. Attached hereto as Exhibit I is a true and correct copy of excerpts from *An*
23 *Introduction to Database Systems*, C. J. Date, Vol. I, 5th Ed., February, 1991.

24 11. Attached hereto as Exhibit J is a true and correct copy of U.S. Patent No. 4,930,071
25 issued on May 29, 1990.

26 12. Attached hereto as Exhibit K is a true and correct copy of of U.S. Patent No. 4,506,326
27 issued on March 19, 1985.

1 13. Attached hereto as Exhibit L is a true and correct copy of the Memorandum of Points
2 and Authorities in Support of Business Objects' Opposition to Defendants Cognos, Inc. and Cognos
3 Corporation's Motion for Partial Summary Judgment of Invalidity filed with the court on August 2,
4 2001 in *Business Objects v. Cognos, Inc.*, U.S.D.C. Northern District Case No. C00-1816-CRB.

5 14. Attached hereto as Exhibit M is a true and correct copy of the Report of Plaintiff's
6 Expert Walter G. Rudd Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure dated
7 August 8, 1999 from the *Brio* action.

8 15. Attached hereto as Exhibit N is a true and correct copy of excerpts from Exhibit 7 to
9 the deposition of Walter G. Rudd, "SQL: The Complete Reference" by James R. Groff, Paul N.
10 Weinberg.

11 16. Attached hereto as Exhibit O is a true and correct copy of the Transcript of Proceedings
12 held before Magistrate Judge Zimmerman on September 27, 2002.

13 17. Attached hereto as Exhibit P is a true and correct copy of the Summary of Opinions of
14 Dr. Arthur M. Keller on Construction of Claims dated October 4, 2002.

15 18. Attached hereto as Exhibit Q is a true and correct copy of the Arthur M. Keller's
16 Rebuttal to the Expert Report of Walter G. Rudd in Support of Business Objects' Claim Construction
17 dated November 15, 2002.

18 19. Attached hereto as Exhibit R is a true and correct copy of the Markman Order filed
19 with the court on May 22, 2001 in the *Cognos* action.

20 20. Attached hereto as Exhibit S is a true and correct copy of the Order re Claim
21 Construction filed with the court on April 6, 1999 in the *Brio* action.

22 21. Attached hereto as Exhibit T is a true and correct copy of Plaintiff's Memorandum of
23 Points and Authorities Re: Claim Interpretation (Markman Issues) dated March 1, 1999, in the *Brio*
24 action.

25 22. Attached hereto as Exhibit U is a true and correct copy of the Office Action dated
26 October 13, 1994, filed with the U.S. P.T.O., In Re Application No. 07/800,506.

23. Attached hereto as Exhibit V is a true and correct copy of MicroStrategy's proposed claim construction for the twenty (20) terms for which Business Objects did not propose a construction.

24. Attached hereto as Exhibit W is a true and correct copy of the Honorable Ronald Whyte's September 15, 2000 Claim Construction Order filed in *Molecular Dynamics, Inc. v. Bio-Rad Laboratories, Inc.*, U.S.D.C., Northern District of California, Case No. C-99-20705-RMW.

25. Attached hereto as Exhibit X is a true and correct copy of 1998 U.S. Dist. LEXIS 17564, *Atmel Corp. v. Information Storage Devices* (November 1998).

26. Attached hereto as Exhibit Y is a true and correct copy of a letter from Thomas C. Mavrakakis to Daniel J. Furniss dated July 11, 2002.

27. Attached hereto as Exhibit Z is a true and correct copy of a letter from Thomas C. Mavrakakis to Gregory S. Bishop dated July 29, 2002.

28. Attached hereto as Exhibit AA is a true and correct copy of a letter from James F. Valentine to Gregory S. Bishop dated August 2, 2002.

29. Attached hereto as Exhibit BB is a true and correct copy of a letter from Gregory S. Bishop to Thomas C. Mavrakakis and James F. Valentine dated August 2, 2002.

30. Attached hereto as Exhibit CC is a true and correct copy of a letter from Paul Yang to Gregory S. Bishop dated August 9, 2002.

31. Attached hereto as Exhibit DD is a true and correct copy of excerpts from the deposition of Arthur M. Keller taken on November 1, 2002.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed at Menlo Park, California on December 4, 2002.


Matthew E. Hocker